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Index Issue — January-June, 1989

With this issue, we continue our practice of publishing a semi-annual index to the cases and news stories that have appeared in Lawyers Weekly during the past six months.

We began this service in 1980 in response to requests from lawyers and judges for a convenient reference guide to the newspaper, and we hope that the indexes have been helpful to our readers.

The index is divided into two parts. The first part, which begins on this page, contains a complete listing of every court or administrative agency opinion that has appeared in the paper since Jan. 9, 1989. The cases are listed by name under the appropriate court or administrative agency heading.

The cases are also indexed by subject matter, beginning on page 11. In the sections below, we have listed the courts and administrative agencies that are covered and

the subject matter headings that have been used.

Note that in the Subject Matter Index, the capital letter that appears next to the issue date in the fourth column corresponds to the court or agency from which the case originated. Reference must then be made to the section headlined "What Courts Are Covered" to translate the letter code into the appropriate court or agency.

The second part of the index is devoted to front-page news stories and feature and news articles that have appeared inside or in separate supplements since the Jan. 9 issue. Also indexed are laws that have been enacted during the past six months. Only those laws that have been listed in a box, under the heading "Important Bills Signed," are indexed.

The news story index is divided into two parts: the "News Story Index" and the "News

Story Subject Index." The former part is organized by department and lists stories by their headlines. The second part is organized by subject matter.

Trial Reports are indexed in the "News Story Index" according to subject matter.

Each index reference includes the date of the issue in which the case or story appeared and the cumulative page number (citation) on which the item appeared.

Because of space considerations, it is impossible to include in this index all the information contained in Lawyers Weekly. We hope you will continue to consult your issues of the newspaper each week so that you will remain fully informed.

As always, our goal is to be of service to the legal community in Massachusetts. If you have any comments or suggestions on this index issue, or on Lawyers Weekly in general, please let us know.

What Courts Are Covered?

The Case Name Index, which begins below, contains the title of every case from a court or administrative agency which has appeared in Lawyers Weekly during the first six months of 1989.

The courts and administrative agencies which are covered, together with their letter codes, are listed below:

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U.S. District Court — B
Bankruptcy Court — BA
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Supreme Judicial Court — C
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What Subjects Are Covered?

The Subject Matter Index in this issue contains a listing by topic of the court and administrative agencies covered by Lawyers Weekly.

Each case is listed under a major subject heading where appropriate.

The major subject matter headings are listed as follows:

| | | | |
|----------------------|------------------------|------------------------|-----------------------------|
| Administrative | Corporate | Jury and Jurors | Public Employees |
| Admiralty | Criminal Law | Juvenile | Public Utilities |
| Adoption | Criminal Procedure | Labor | Real Property |
| Antitrust | Damages | Landlord/Tenant | Retirement |
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| Arbitration | Elections | Medicare or Medicaid | Search and Seizure |
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| Contract | Judgments | Products Liability | Zoning |
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Case Name Index

How To Use This Index

This index includes cases which were reported in Lawyers Weekly during the past six months. The listings are alphabetical (by plaintiff's name only) within each court department or administrative agency.

Following the case name is a column listing the volume and number of the issue of Lawyers Weekly, which is then followed by a column listing the cumulative page number of the appropriate volume of Lawyers Weekly — the MLW citation. (This page number may be found on the top inside of each page of Lawyers Weekly; for example, 17 MLW 1545.) This column is then followed by the issue date.

The last two columns provide the Lawyers Weekly case number which is followed by the number of pages in that particular case. The Lawyers Weekly case number is to be used when ordering the full text of an opinion.

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DAY, BERRY & HOWARD

is pleased to announce that
GEORGE L. CUSHING*
has become a Partner of the Firm
and will represent our clients in
trusts and estates
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DAVID C. ELMES

HAS JOINED THE FIRM
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F&D

Can a Policeman Sue Someone Who Intentionally Shot Him?

By Attorney Dianne Keegan, Editor-In-Chief, Lawyers Alert

William R., a police officer who was recently shot while on duty, has come to you for advice.

Shortly before noon on the day of the shooting, he heard a dispatch concerning a man with a gun at an apartment complex. He was the second officer to arrive at the scene. As he approached, he heard shots. The first officer at the scene informed him that George P., an elderly man wielding a high-powered rifle, had been shooting randomly from his apartment.

William, who was pressed up against a wall near the apartment door, then saw George open the door and start to come out of the apartment with the rifle. William turned toward him with his weapon in his hand and told George to freeze. George jumped back inside and shut the apartment door. He then shot William through an opaque-type window which surrounded the door. The bullet hit William's badge and deflected into his left arm, doing extensive damage. George was killed by police after he shot William.

Although William is getting Workers' Compensation payments, he feels that they are inadequate to compensate him for the permanent damage to his arm. Moreover, since George was quite well off, William feels that he should be able to sue his estate for damages.

What's your advice?

A Winning Strategy

Sue George's estate for assault and battery. The "fireman's rule," which for many years has barred actions by police and firemen for injuries they receive in the line of duty, is undergoing a change.

An appellate court (in Michigan) recently held in a case similar to this one that it would not apply the fireman's rule to an intentional tortfeasor whose acts required the officer's presence on the premises.

The court quoted from a New Jersey decision that said, "[T]he public policy underlying the 'fireman's rule' simply does not extend to intentional abuse directed specifically at a police officer. To permit this would be to countenance unlimited violence directed at the policeman in the course of most routine duties."

The court also reasoned that the burden of compensating an officer for intentionally inflicted injuries should not be borne wholly by the public in the form of Workers' Compensation. Likewise, a defendant should not be shielded from liability simply because he inflicts an intentional tort upon a police officer rather than a private citizen.

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What's Your Advice

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How To Use This Index

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The specific subject matter listing is followed by columns denoting the volume and number of the Lawyers Weekly issue, which is then followed by the cumulative page number of Lawyers Weekly — the citation. (The cumulative page number may be found on the top inside of each page of Lawyers Weekly, e.g., 17 MLW 1545.) The next column lists the issue date of Lawyers Weekly.

The letter which appears next to the date is the letter code for the court or administrative agency from which the case originated. To determine which court corresponds to the letter used, please consult the "What Courts Are Covered" explanation which appears on page one.

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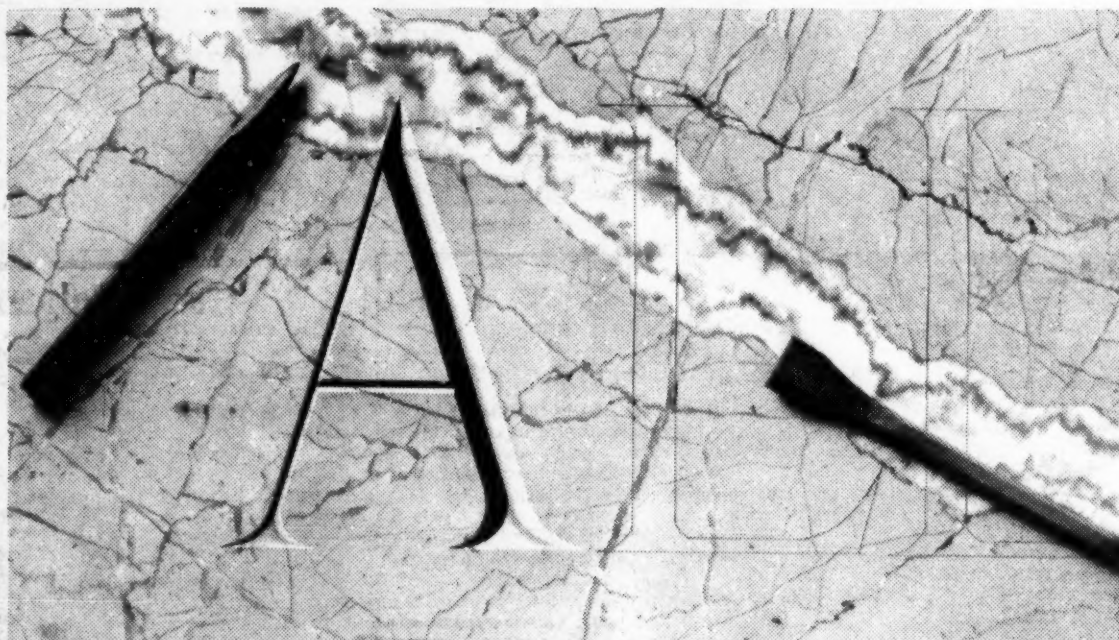
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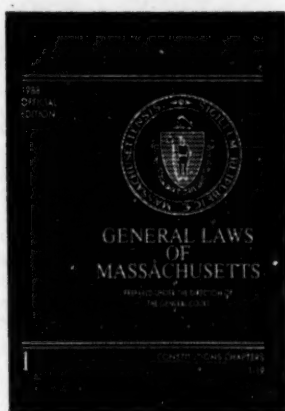
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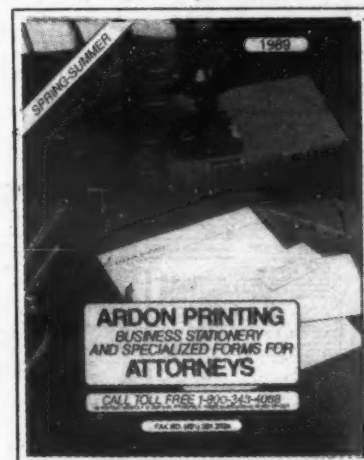
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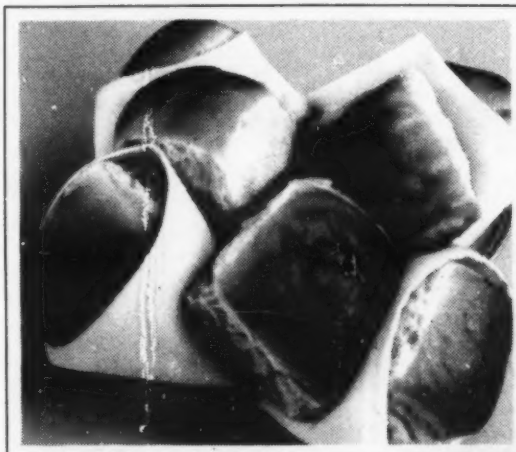
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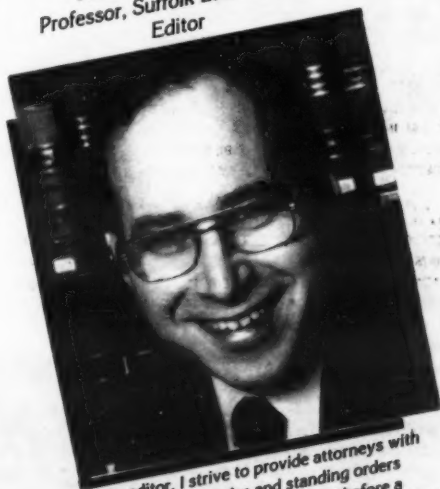
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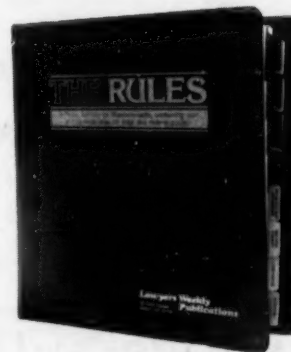


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HIGHLIGHTS

- All Massachusetts Trial Court Uniform Rules
- Hard-to-find *Standing Orders* of the Superior Court and other courts.
- Full text of civil and criminal rules with Reporter's Notes
- Uniform Practices of the Probate and Family Court
- Child Support guidelines for use in Massachusetts courts
- New District Court and B.M.C. rules concerning statement of damages and a new form to be filed with the complaint
- New rules for jury cases in criminal cases in Essex and Hampden counties
- Reproducible forms for use in Massachusetts courts
- Full text of rules for summary process cases, civil motor vehicle infractions, and support actions
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- Rules of the Commission on Judicial Conduct
- Analysis section by Professor Marc G. Perlin
- Superior Court tracking order
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2:15 PM: 37 WARD ST.—APPROX. 2872 SF OF LAND IMPROVED BY A 3 STORY W/BASEMENT FREE STANDING BRICK APT. BLDG. CONTAINING (6) 3 BEDRM. APTS. W/SEP. UTIL. BK 8614 PG 093—DEPOSIT \$10,000.

TUESDAY, AUGUST 1, 1989 AT SALEM, MA

10:00 AM: 20-22 PEABODY ST.—APPROX. 3500 SF OF LAND IMPROVED BY A 4 STORY W/BASEMENT FREE STANDING BRICK APT. BLDG. CONTAINING (12) 2 BEDRM. APTS. W/SEP. UTIL. BK 8614 PG 093—DEPOSIT \$20,000.

11:00 AM: 17-19 & 23-25 WARD ST.—APPROX. 5128 SF OF LAND IMPROVED BY (2) 3 STORY W/BASEMENT BRICK APT. BLDGS. CONTAINING A TOTAL OF (12) 2 BEDRM. APTS. BLDG. ARE UNDER COMMON HEATING SYS. & SEP. ELEC. BK 8614 PG 093—DEPOSIT \$10,000.

11:45 AM: 61-64 HARBOR ST.—APPROX. 5087 SF OF LAND IMPROVED BY 2 SEPARATE 3 STORY W/BASEMENT FREE STANDING W/PORCHES BRICK & MASONRY APT. BLDGS. CONTAINING A TOTAL OF (6) LARGE 3 BEDRM. UNITS W/SEP. UTIL. BK 8614 PG 093—DEPOSIT \$20,000.

12:15 PM: 57-59 HARBOR ST.—APPROX. 10670 SF OF LAND IMPROVED BY 4 STORY W/BASEMENT BRICK APT. BLDG. HAVING PORCHES & FRONT COURT YARD CONTAINING (16) 3 BEDRM. APTS. BLDG. HAS 1 COMMON HEATING SYS. & SEP. ELEC.—DEPOSIT \$20,000.

1:00 PM: 248 LAFAYETTE ST.—RTE. 1A & RTE. 114—APPROX. 9085 SF OF LAND IMPROVED BY AN APPROX. 4466 SF 2 1/2 STORY BLDG. USED AS A ROOMING HOUSE HAVING 13 UNITS & OFFICE UNIT. HAS PAVED PARKING FOR APPROX. 10 CARS. BK 8614 PG 093—DEPOSIT \$20,000.

2:00 PM: 51 CANAL ST.—APPROX. 30253 S.F. OF COMMERCIAL ZONED LAND IMPROVED BY A ONE STORY CONCRETE BLOCK & STEEL APPROX. 6480 S.F. BLDG. HAVING 14' WALL HT. & 8 STEEL OVERHEAD DOORS. BLDG. CONTAINS APPROX. 3240 S.F. CONVEYORIZED CAR WASH & BALANCE OF BLDG. APPROX. 1080 & 2160 S.F. SET FOR AUTOMOTIVE SERVICE. PROPERTY HAS APPROX. 23000 S.F. PAVED AREA. BK 8614, PG 093—DEPOSIT \$35,000.

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Mid-size Boston bank seeks a full time lawyer to act as its general counsel. The position involves advising and consulting the bank's executives; representing the bank's interests, particularly in the fields of banking regulations, contract and employment matters; and coordinating outside counsel. Qualifications for this position include excellent academic credentials, a minimum of seven years' experience in banking, corporate and commercial law (preferably with some exposure to litigation), and a demonstrated ability to handle a variety of legal matters. Reply in confidence to LWP Box # 939. (7/24)

STAFF COUNSEL (LEGAL)

Public Agency seeks attorney with experience in real estate development and/or financing areas. Must possess strong analytical skills and ability to research legal issues and effectively present positions in written and oral form. Must be careful drafter and able negotiator. J.D. or L.L.B. from accredited law school and Massachusetts Bar membership required, with min. 1 year clerkship or legal intern experience in real estate, financing, administration, litigation or environmental law. Send resume, including salary requirement to LWP Box # 938, Boston, MA 02108. An Affirmative Action/Equal Opportunity Employer. (7/24-7/31)

Established Framingham firm seeks associate with 0-2 years experience in general practice, with emphasis on divorce and civil litigation. Send resume and salary requirement to LWP Box # 961. (7/24-7/31)

CHIEF COUNSEL

Cambridge and Somerville Legal Services, a non profit poverty law office with a long history of aggressive and high quality legal advocacy, is seeking a chief counsel to direct and supervise the programs' legal work. Those applying must have a minimum of 5 years litigation experience and the demonstrated ability to coordinate, supervise and lead high quality legal advocacy. Salary D.O.E. Excellent employee benefits. Applicants should send resume to: Chief Counsel Hiring Committee, CASLS, 264 Third Street, Cambridge, MA 02142. AFFIRMATIVE ACTION CANDIDATES ARE ESPECIALLY ENCOURAGED TO APPLY. (7/17-7/24)

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ASSOCIATE
Boston law office seeks energetic, ambitious associate to assist with domestic relations/litigation practice, court and client contact. Experience helpful, but not necessary. Send resume with salary range to LWP Box # 964. (7/24-7/31)

ASSOCIATE

Interesting and complex litigation/general practice in Cambridge seeks individual with energy and drive and 2-4 years litigation experience for unique opportunity. Competitive salary commensurate with experience. Reply to LWP Box # 966. (7/24-8/14)

ASSOCIATE

14 lawyer general practice Boston firm seeks 2-3 year associate for litigation position: Research and writing skills a must. Trial and bankruptcy experience preferred. Forward resume to Kassler & Feuer, 85 Devonshire Street, Boston, MA 02109, Attn: Daniel J. Finn. (7/24)

North Shore Collection law firm seeks new admittée for full-time position. Reply to LWP Box # 947. (7/24)

INVESTMENT ATTORNEY

John Hancock Mutual Life Insurance Company seeks attorney with 2-4 years experience in sophisticated commercial financings to join its Law Department, concentrating on the private placement of securities. Position involves significant client contact, requires ability to work with minimal supervision and emphasizes negotiating and drafting skills. Reply to LWP Box # 943. (7/17-7/24)

LITIGATION

13 Attorney Boston firm requires lawyer with a minimum of 6 years experience in Business Litigation (experience in corporate, securities, construction, and banking litigation preferred). Please forward resume and writing sample to: Barry Y. Weiner, Shapiro, Israel & Weiner, P.C., 100 North Washington Street, Boston, MA 02114. (7/17-8/7)

ASSOCIATE

Established Swampscott law firm seeks associate with 1-3 years experience in litigation, send resume to DiMento & DiMento, 990 Paradise Road, Swampscott, MA 01907. (7/24)

"I read the Classified Ads Award" to: DAVID J. BARBER of Belmont, MA please call Rhys Winston at (617) 367-8616 to receive your free maps to the Courts of the Commonwealth. (7/24)

2-3 year associate with business, corporate and tax experience. Some estate planning desirable. LLM or strong accounting background a plus. Reply to LWP Box # 436. (7/10-7/31)

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Downtown Boston law firm seeks associate with one to two years experience in personal injury or insurance law. Send resume to LWP Box # 921. (7/17-7/31)

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To handle Workmans' Compensation claims and automobile accident claims in the courts. Excellent salary and benefits. Call (617) 442-6800. (7/17-7/24)

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Busy Taunton/Fall River general practitioner seeks associate. Send resume, writing sample and salary requirement to: P.O. Box 848, Taunton, MA 02780. (7/17-7/24)

ASSOCIATES

Established Hingham law firm seeks aggressive associate with at least 2-3 years experience in plaintiff's personal injury, and civil litigation. Also seeking a self starter with at least 2-3 years experience in probate/real estate/civil litigation. Send resume to Malloy & Sullivan, 59 Water Street, Hingham, MA 02043. (7/17-7/24)

Growing Springfield law firm seeks lawyer for general practice. 2 years experience preferred. Send resumes and cover letter to LWP Box # 942. (7/17-7/24)

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LITIGATION ASSOCIATE
Boston, Boutique State Street Litigation Firm seeks fifth (5th) associate to join expanding firm in new office suite. Candidate should have 2 to 5 years experience in the defense of personal injury actions either in private practice or as in-house counsel with an insurance company. Trial experience preferable. Immediate client contact and trial opportunities. Salary and benefit package consistent with experience. Reply LWP Box # 952. (7/17-7/24)

ATTORNEY

Downtown civil litigation firm seeks attorney with 1-5 years experience for insurance coverage/legal research and writing position. Outstanding academic credentials required. Law review and judicial clerkship experience a plus. Reply to LWP Box # 709. (7/17-7/31)

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Small Boston Firm with concentration on civil litigation seeks hard working associate. Strong academic and writing skills required. We provide case responsibility, client contact and diverse assignments. Advancement potential. 3-5 years experience. Send resume, writing sample and salary requirements to LWP Box # 958. (7/24-8/14)

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Small active downtown real estate firm seeks independent self-starter for its title department. Excellent title examination skills and knowledge of real estate law essential. Good salary and benefits.

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Medium size downtown Boston law firm seeks an attorney with 2-4 years experience in business litigation. Excellent academic background required. Replies will be treated with the strictest confidence.

Please send

resume to:
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Civil litigation associate sought for small, young general practice firm. Firm emphasizes congenial atmosphere and high quality work. Associate must be very flexible—case load will include wide range of subjects and both routine and complex cases. Strong academics, minimum 3 years experience required. Interest/experience in real estate or business law (to assist with real estate/corporate practice) will be a plus.

Send resume and writing sample in confidence to
Jamie W. Katz, Esq.,
Heller, Borrell & Katz,
One State Street,
Boston, MA 02109.

Attorney

We are a Forbes 500 company recognized as the leader in the environmental services field. Our accelerated growth has created a challenging opportunity for an Attorney in our Eastern Region office located in the Boston area.

We are seeking a self-motivated, hard-working Attorney with a thorough understanding of and significant experience in the following areas: contracts, acquisitions, commercial transactions and real estate. The successful candidate must possess 4 to 6 years of relevant experience and superior ability to analyze the financial, operational and practical implications of his or her legal advice. Law firm experience is desired and supervision of litigation matters is helpful. Travel principally in the Northeast will be required.

The position offers an excellent salary and benefits program plus an outstanding professional environment. Please send resume plus salary history in confidence to:

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Litigation Associate

Expanding 8-attorney South Shore law firm with excellent reputation in the field of civil litigation needs exceptional attorney to meet increasing demand for its services. Seeking an enthusiastic, motivated and disciplined associate with 4-7 years experience in civil litigation and with excellent academic credentials. Position involves all aspects of civil litigation with an emphasis in bodily injury and medical negligence work. Send resume of work experience and credentials to:

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1000 Plain Street
Marshfield, MA 02050



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Disability Law Center, Inc. seeks experienced attorney to head Statewide Special Education Advocacy Project. Attorney will undertake law reform and provide backup and training for other attorneys and advocates. Position also includes supervision responsibilities. Seeking candidates with four years of experience, including special education. Exceptional candidates with 2-3 years experience will be considered. Will consider job share.

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ASSOCIATE
Established Swampscott law firm seeks associate with 1-3 years experience in litigation. Send resume to DiMento & DiMento, 990 Paradise Road, Swampscott, MA 01907. (7/24)

ASSOCIATE
Downtown general practice law firm seeks an aggressive, highly motivated associate with 3 years experience and strong interpersonal skills. Emphasis on civil litigation, estate planning, and real estate law. Send resume and salary requirements in confidence to LWP Box # 965. (7/24-8/14)

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Attorney needed for Lowell firm, concentrating in general litigation, torts, criminal, divorce, worker's comp, real estate, estates.

Resumes only to
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*American Lawyer Survey of Associates, 1989.

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An expanding Southeast Massachusetts business and civil litigation law firm is seeking two mid-level associates with excellent academic backgrounds and at least two years experience; the first to concentrate in the areas of general business transactions, corporations, estate planning and probate of estates; the second to concentrate in business litigation. Salary and benefits will be commensurate with experience and qualifications.

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Attn: Robert B. Feingold, Esq.**

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This is a partial listing only. Top academic credentials and major firm experience required. For other BOSTON and NATIONAL opportunities, send resume in strict confidence to:

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* The American Lawyer Survey of Recruiting Firms, 1988

** The American Lawyer Survey of Employers, 1989

ENVIRONMENTAL: (Exclusive) Major North of Boston firm seeks environmental attorney with 5-10 years of sophisticated experience to join its rapidly growing department.

BANKRUPTCY: Several of Boston's finest firms seek associates with 1-6 years of bankruptcy or bankruptcy litigation experience.

ERISA: Several of Boston's premier firms seek associates with 1-4 years of sophisticated ERISA and employee benefits experience.

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Contact us for a copy of the April 1989 study.

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Responsibilities: The Director of Litigation is responsible for the overall quality and direction of the program's legal work; development and implementation of advocacy strategies; supervision of major litigation and for conducting periodic legal training events for staff.

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Position: STAFF ATTORNEYS. Carry individual caseload and specialize in public benefits and/or housing. Spanish speaking a plus. Salary \$23K - \$41K; D.O.E. Resumes and references to Phillip Kassel, Acting Executive Director, LACCM, 332 Main Street Worcester, MA 01608.

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COMMERCIAL REAL ESTATE and **BANKING** lawyer with 2-3 years experience to represent institutional lenders in commercial loan closings and foreclosures, as well as commercial development, leasing, zoning and environmental matters.

LITIGATION lawyer with 1-3 years of business litigation experience.

Inquiries and resumes may be directed in strict confidence to:

Mr. Carroll Hartman, Director of Administration and Finance
KAYE, FIALKOW, RICHMOND & ROTHSTEIN, (617) 482-6800
100 Federal Street, 33rd Floor, Boston, MA 02110.

TOWN COUNSEL— Town of Norwood

The Board of Selectmen of the Town of Norwood is requesting proposals for legal services. Interested candidates must have at least three (3) years experience in municipal law. All proposals must specify hourly rate, the name and qualifications of each attorney who would render such services and schedule which shows when and how such services would be rendered, to Norwood Board of Selectmen, Town Hall, P.O. Box 40, 566 Washington Street, Norwood, MA 02062-0040. Deadline for applications is August 1, 1989. Norwood is an equal opportunity employer.

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Position available as Administrative Attorney within the Legal Department of the Office of the Chief Administrative Justice to provide legal research and specialized administrative support. Duties include preparation of memoranda, directives, draft rules, correspondence and administrative reports; coordination of interdepartmental assignment of cases; staffing court committees; researching legal issues; and responding to questions of a legal nature from court personnel, members of the bar and the public. The position requires a degree from an accredited law school and membership in the Massachusetts Bar. Salary: \$36,353.12. Apply to General Counsel/Legal Department Manager, Office of the Chief Administrative Justice, 2 Center Plaza, Room 540, Boston, MA 02108 no later than July 28, 1989.

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Full time legal secretary wanted for criminal defense firm on the Waterfront. Minimum 75 WPM; WordPerfect preferred. Call (617) 742-6020. (7/17-7/24)

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LITIGATION SECRETARY

13 attorney Boston firm seeks very professional take-charge secretary to work with partner and associate. 10 years varied litigation experience, WordPerfect, dictaphone and 85 WPM req. Very competitive salary and benefits. Send resume to Ken Rawson, Shapiro, Israel & Weiner, 100 North Washington Street, Boston, MA 02114. (7/24-8/14)

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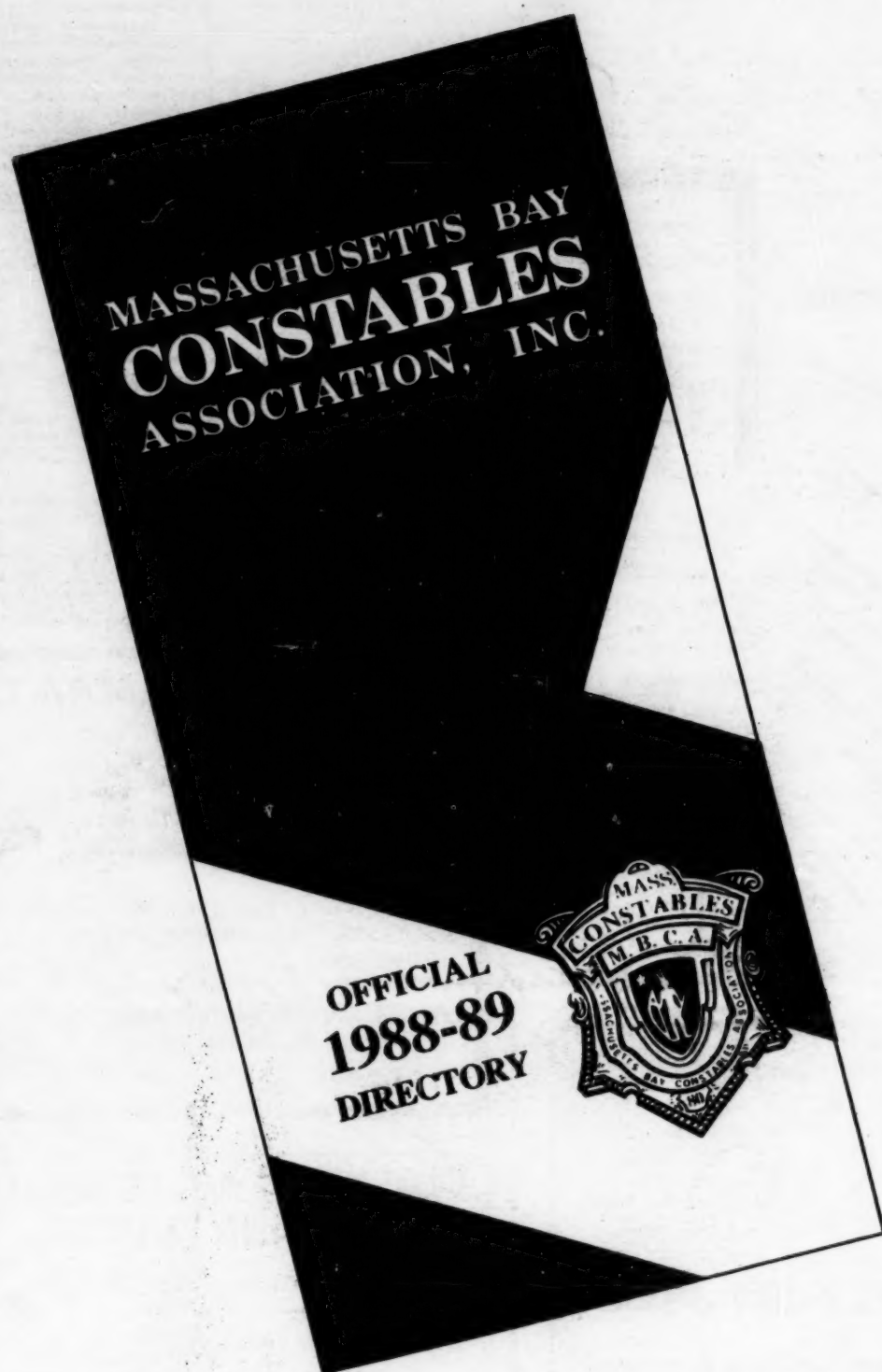
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